

EXHIBIT 19

Highly Confidential Larry Russell

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 In re: FLINT WATER CASES)
6)

7) Civil Action No.
8) 5:16-cv-10444-JEL-MKM
9 Elnora Carthan, et al.,) (consolidated)
10)

11 Plaintiffs,)
12)

13 vs.) Hon. Judith E. Levy
14) Mag. Mona K. Majzoub
15 Governor Rick Snyder,)
16 et al.,)

17 Defendants.)
18)

19 and)
20)

21 Bellwether III)
22 Case No. 17-10164)
23)

24)
HIGHLY CONFIDENTIAL

Wednesday, December 28, 2022

Volume I

Remote videotaped deposition of
LARRY L. RUSSELL, Ph.D., commencing at 9:02 a.m., on
the above date before Carol A. Kirk, Registered Merit
Reporter, Certified Shorthand Reporter, and Notary
Public.

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Highly Confidential Larry Russell

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1 engineer C.

2 Q. Okay. And if we look at the NSPE
3 code at issue here, and that's -- you can see
4 it. It's in the third section here under NSPE
5 Code of Ethics references. There's -- it says,
6 "If engineer's judgment is overruled under
7 circumstances that endanger life or property,
8 they shall notify their employer or client and
9 such other authority as may be appropriate."

10 Do you see that?

11 A. Yes.

12 Q. Okay. And with respect to VNA
13 here, was there an instance, in your opinion,
14 Dr. Russell, where the City of Flint or others
15 working on behalf of the City of Flint overruled
16 VNA in a manner that endangered life or
17 property?

18 A. That's a very interesting and
19 involved question.

20 One of the complaints that
21 I recall from VNA was that they, the city,
22 didn't implement all of their recommendations.
23 One that I believe is a perfect example of that
24 is the request to increase the ferric chloride.

1 Now, I think it's fortunate that
2 the city didn't follow that recommendation from
3 Veolia, because if they had increased the ferric
4 chloride, it would have made the situation even
5 worse. So -- but that's clearly a situation
6 where the city overruled Veolia's
7 recommendation.

8 Now, the question about
9 endangering life or property, well, that gets
10 pretty complicated. If Veolia had made the
11 recommendation I would have hoped they would
12 make, which would be to switch back to alum,
13 which is the old aluminum sulfate -- it's the
14 old coagulant that was used back at this plant
15 back when the plant was treating the water
16 before '67 -- then this issue would be much
17 clearer, because if they had recommended going
18 to all alum and the city refused to do that,
19 then one could argue that going to ferric
20 chloride endangered the life or property. So,
21 you know, what's important, Mr. Ter Molen, is to
22 recognize these are very broad and general ideas
23 presented here.

24 The takeaway from this is -- I

1 don't know if it's 11.1 or II.1, the first one.

2 That's the issue that's being discussed here.

3 The second one is just an example
4 of some of the things you run into in these
5 ethics courses. And, you know, it's an
6 obligation of the engineer to make sure they do
7 everything they can to protect the public
8 health.

9 So, like I say, the circumstances
10 here perhaps don't exactly fit this ethical
11 question, but they do fit the intent of what's
12 being implied here, in my opinion.

13 Q. Dr. Russell, did the City of Flint
14 ever tell VNA that the city was not going to
15 implement any of the recommendations VNA made?

16 MR. STERN: Objection; foundation,
17 outside the scope of his expertise, and
18 outside the scope of his opinions.

19 A. Well, beyond that, I can't really
20 know that. I'm not privy to the conversations
21 between Veolia and the city. So all I can look
22 at is the parts of the reports that didn't get
23 done. And, you know, there was no corrosion
24 study. There was no implementation of a higher